

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 3 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 97 of the)
Commission's Rules Concerning)
HF Digital Communications in the)
Amateur Service)

PR Docket No. 94-59

DOCKET FILE COPY ORIGINAL

To: The Commission

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national non-profit association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules, hereby respectfully submits its comments in support of the Notice of Proposed Rule Making (the Notice), FCC 94-171, 9 FCC Rcd. 2850 (1994).¹ The Notice proposes to amend the Amateur Service Rules to authorize automatic control of stations transmitting a digital emission on the High Frequency (HF) amateur bands. The Notice was based in part on the League's Petition for Rule Making, RM-8218, filed February 1, 1993. In support of the proposed rule changes contained in the Notice, the League states as follows:

1. The League's goal in petitioning the Commission for the relief contained in the Notice for the creation of subbands for

¹ The Notice in this proceeding specified a comment date of October 1, 1994. That date is a Saturday, and the Commission's offices are closed. These comments are being filed October 3, 1994, as per Section 1.4 of the Commission's Rules. Hence, the comments are timely filed.

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intercommunication by HF data stations under automatic control; and in supporting modifications of its original petition to allow automatically controlled data stations to communicate with locally or remotely controlled data stations, was to encourage experimentation, development and refinement of these efficient communications modes. The League also sought to facilitate amateur adaptation of new and existing complex digital technologies to practical use, and to permit the implementation in the Amateur Services of more efficient emergency and public service communications technologies for rapid information transfer. The Notice proposal, if implemented, would constitute a large step toward these important goals.

2. Notwithstanding the indisputable benefits of greater flexibility in experimentation and development of digital communications, the issues in this proceeding are difficult.² The HF amateur bands are extremely crowded, especially during mornings, evenings and during weekend periods, when amateurs are most active. The regulatory provision for any automatically controlled stations, in crowded bands which are subject to dynamic, worldwide propagation which changes rapidly involves a substantially

² The variety of viewpoints on the subject of this proceeding are reflected in the comments filed to date in response to the Notice. Review of the Commission's RIPS file in this proceeding shows that 15 comments have been filed thus far. Of these, 8 strongly urge that no automatic control be permitted in the HF bands at all at the present time; five urge that automatic control be permitted for digital stations only in specified subbands, as the League had proposed in RM-8218; and two urge the adoption of the proposed rules, with certain other provisions to avoid interference in the HF bands.

increased risk of interference. This places on the amateur community a new emphasis on the already significant responsibility to cooperate in the use of shared HF frequencies, domestically and worldwide. See, 47 C.F.R. §97.101(a)-(d). The League originally advocated only the creation of specific subbands for use by automatically controlled stations, where users of other amateur modes might reasonably expect potential interference from automatically controlled stations. This was acceptable to most users of other modes, but was deemed insufficient by a vocal minority of digital communications users. Because the goal of the League in filing RM-8218 was to encourage, and not to stifle, these modes, the League supported the modification to its proposal suggested by certain of these digital communicators and experimenters, and supported the grant of authority to permit automatically controlled stations to communicate with locally or remotely controlled stations outside the proposed subbands as an additional accommodation.

3. This was not done without some reluctance, inasmuch as the interrogation of an automatically controlled station, triggering that station's response from a point often far removed from the transmitter of the automatically controlled station, inherently involves a significant risk of interference in the HF amateur bands. There is not present in such a situation the ability to cooperate in interference avoidance that is present in other amateur modes used at HF, because the interrogating station is not in a position to evaluate the propagation conditions at the far end

of the link, where the automatically controlled transmitter is present.

4. Nonetheless, as discussed more thoroughly in the League's comments in response to RM-8280, it would appear that, on balance, an accommodation for intercommunication between stations under automatic control using authorized digital emissions, and locally controlled stations outside the proposed subbands can probably be accommodated without significant disruption of other amateur HF communications, provided that the safeguards contained in the Appendix to the Notice at proposed Section 97.221(c) are adopted. These safeguards were requested by the League in its comments in response to RM-8280 as the minimum necessary to decrease the interference potential in expanding automatic control of HF data communications beyond the proposed subbands. The users of amateur digital communications in the HF bands are aware that the Commission is imposing on them a significantly increased responsibility by the automatic control privileges contained in the Notice proposal, and that, should the enactment of the rules as proposed lead to a significantly increased enforcement burden for the Commission, automatic control could in the future be curtailed. This proceeding, more than many, reflect the faith the Commission has in the ability of the amateur community to self-regulate and to cooperate in the use of the shared frequencies. Nor should anyone be permitted to believe that the authorization of automatic control in any configuration confers on the control operator a sense of entitlement or ownership or proprietary interest in the use of a

given frequency merely by past operation of an automatically controlled digital station on a given frequency, or the right to usurp that frequency for long periods of time, to the detriment of other amateurs.³

5. The Notice in this proceeding has been absolutely responsive to the expressed wishes of a significant portion of the Amateur Radio community, and the League is most appreciative of the understanding and accommodation of the Commission, especially the Chief, Private Radio Bureau, in this proceeding. The benefits of increased flexibility in the development of data communications in the HF amateur bands will permit not only greater responsiveness by amateurs in emergencies and in the fulfillment of their public service obligations, it will also permit a far greater ability to further develop low-cost digital communications systems, and the adaptation of new technologies for use by individuals.

Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission adopt a final Order in this proceeding, enacting the rules exactly

³ The League has noted recently in the case of VHF and UHF repeaters that a few individuals are under the mistaken impression that operation of a fixed station such as a repeater, whether or not operated in accordance with a recommendation from a frequency coordinator or whether in accordance with established bandplans, on a given frequency or a pair of frequencies, confers some proprietary status on the licensee, or some prioritized entitlement to the use of the frequency in the future. Plainly, such is not the case. That mistaken perspective should not be permitted to develop in the context of fixed, automatically controlled digital stations in HF bands. The absence of any entitlement or priority in the use of any frequency by any automatically controlled HF data station should be clarified in any final order adopted in this proceeding. See, 47 U.S.C. §301(a); 47 C.F.R. §97.101(b).

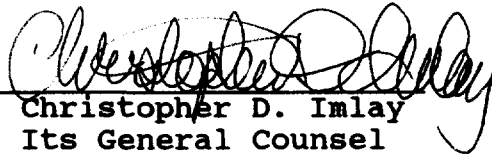
as proposed, and with the appropriate cautionary instructions discussed hereinabove.

Respectfully submitted,

**THE AMERICAN RADIO RELAY
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